

Worksession

Agenda Item #	12
Meeting Date	22 November 2004
Prepared By	Sara Anne Daines ECD Director
Approved By	Barbara B. Matthews City Manager

Discussion Item	Continued discussion of proposed revisions to City Code Chapter 6 Housing which address the provision of air conditioning in rental units
Background	<p>The Council, having expressed concern about the enforcement of certain sections of the property maintenance code that restrict the use of individual window air-conditioning units, is considering the possible amendment of the City Code to ensure the continued provision of air conditioning in licensed rental units in Takoma Park.</p> <p>Initially stating a preference for amending the current provisions of the property maintenance code, the Council indicated its support of alternative language presented by Staff at its October 25 worksession. If enacted, the proposed amendment would expand the obligations of the landlord as set forth in Article 4 Landlord-Tenant Relations. The property maintenance code would not be affected under this option.</p> <p>As proposed, landlords would be required to maintain air-conditioning in rental units where he or she had previously provided the air-conditioning and where the tenant had been allowed to install and operate their own individual AC window units. The proposal would also require landlords to include in their leases language which would indicate whether air-conditioning was provided in the rental unit, how it would be provided, and if so, if there was a cost for the service. Adoption of the amendment would prevent the landlord from removing existing air-conditioning units as a means of abating a violation of the property maintenance code and provide the Landlord Tenant Office with the means of ensuring compliance with the ordinance.</p> <p>Following the October 25 presentation, Staff was directed to develop in partnership with Montgomery County Code Enforcement, a listing of rental facilities with between two and twelve units, which were cited for inadequate electrical service. A copy of the listing is attached. Staff is also developing a mail survey to gather additional information on the services provided at various rental facilities. While not specifically requested by the Council, the information gathered will aid in the enforcement of the proposed amendment.</p>
Policy	To enforce minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy of rental housing residences.

Fiscal Impact	Not Applicable.
Attachments	Proposed Ordinance Amendments (Draft October 25, 2004) Listing of Rental Facilities Cited for AC Related Code Violations (Nov 4, 2004)
Recommendation	To review the accompanying materials and schedule the first reading of the proposed ordinance amendment.
Special Consideration	A two reading ordinance is required to amend the City Code.

PROPOSED AMENDMENTS

CHAPTER 6 HOUSING CODE

Draft - October 25, 2004 / Revised November 22, 2004

The following amendments are proposed as a means of addressing the Council's concerns regarding the loss of air conditioning for local tenants resulting from the enforcement of Section 26-6(a)(6) of the Property Maintenance Code.

Obligations of Landlord (Section 6-404)

All Landlords shall:

“Provide, under the same terms and conditions, air-conditioning in rental units where tenants have previously been provided air-conditioning.”

“Allow tenants to install and use air-conditioning units in rental units where the lease is silent regarding the installation, provision, or use of air conditioning or the lease expressly authorizes tenants to install and use air-conditioning units. “

Lease Requirements (Sec. 6-405)

All leases shall:

o. “Give notice to the tenant of the right to have air conditioning if air conditioning was previously available to tenants of the rental unit under the same terms and conditions, except for a reasonable increase in fees consistent with Department regulations, as the previous tenants.”

p. “State whether air conditioning is available for the rental unit and, if air conditioning is available for the rental unit, state whether the landlord or tenant will provide and maintain the air conditioning unit(s), the number and location of permitted air conditioning units, and the fees, if any, associated with the provision of air conditioning. If a lease does not include the information required by this paragraph, then the tenant shall have the right to install a window air conditioning units in each sleeping room unless such installation would constitute a violation of any other law, and the landlord shall be responsible for the cost of installing any electrical upgrades necessary to allow use of such air conditioning units in a manner that is in compliance with the Property Maintenance Code.”

SUMMARY OF TELEPHONE SURVEY
Air Conditioned Rental Housing Units and Facilities
City of Takoma Park
July 2004

A telephone survey of landlords receiving a notice of violation for failure to provide adequate electrical service for the window air-conditioning units installed within their respective rental facility was conducted by HCD staff in July 2004. The following is a summary of results of the survey.

Survey Participation

- Rental facilities receiving violation notice 129
- Landlords participating in survey 71
- Surveys as percent of facilities receiving violation notice 54%

Number Rental Units Affected

- Total number of rental units 501
- Number of rental units with AC related code violations 407

Corrective Action Taken or Proposed by Landlord

- Removal of AC Units 25 (a)
- Electrical Upgrade 53

Nature of Anticipated Electrical Upgrade Required to Comply with Code

- Single Receptacle Outlet 37
- Circuit from Panel Box 31
- Upgrade Service to Unit 25
- Upgrade Service to Building 15

Estimated Cost of Improvement

- Average per Building \$6,135
- Average per Unit \$1,120

Planned Submission of Capital Improvement Petition

- Yes 34
- No 8

(a) Nineteen of the twenty-five respondents indicated they would be removing the AC units on a temporary basis and would be reinstalling the units once the required improvements were completed.

SUMMARY OF INSPECTION REPORT SURVEY
Air Conditioned Rental Housing Units and Facilities
City of Takoma Park
October 2004

The following is a summary of the results of Staff's analysis of the inspections conducted by Montgomery County in the past year and includes a break down of the rental facilities using individual window air-conditioning units and which have received a violation notice for inadequate electrical service. Under the proposed ordinance amendment, the owners of these properties would be prohibited from removing the units as a means of abating the identified violation. The only corrective option available to them would be to bring the electrical service into compliance with the Property Maintenance Code.

- Total rental facilities receiving Notice of Violation: 171
- Total of rental units located within these facilities: 1,054
- Capital Improvement Petitions (CIP) filed: 28 *

Summary by Ward of rental facilities receiving Notice of Violation:

Ward One	Total Rental Facilities:	15
	Number of Rental Units:	55
	CIP Filed:	0
Ward Two	Total Rental Facilities:	26
	Number of Rental Units:	144
	CIP Filed:	3
Ward Three	Total Rental Facilities:	26
	Number of Rental Units:	170
	CIP Filed:	3
Ward Four	Total Rental Facilities:	7
	Number of Rental Units:	119
	CIP Filed:	4
Ward Five	Total Rental Facilities:	76
	Number of Rental Units:	472
	CIP Filed:	15
Ward Six	Total Rental Facilities:	21
	Number of Rental Units:	94
	CIP Filed:	3

A listing of the individual rental facilities is available upon request.

* CIP may include improvements not directly associated with the need to upgrade electrical service to allow for the installation of individual window air-conditioning units.